



Federal Communications Commission
Washington, D.C. 20554

DA 05-1331

May 12, 2005

Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

Re: Call Sign E040448
File No. SES-LIC-20041201-01773
File No. SES-AFS-20050225-00226

Dear Mr. Michalopoulos:

On December 1, 2004, EchoStar Satellite L.L.C. ("EchoStar") filed the above-captioned application for authority to operate a Ka-Band¹ VSAT network earth station in Atlanta, Georgia. On February 25, 2005, EchoStar filed an amendment to this application². For the reason discussed below, we dismiss the application, as amended, as defective, without prejudice.

Section 25.115(e) of the Commission's rules provides that "[A]pplications to license individual earth station operating in the 20/30 GHz band shall be filed on FCC Form 312, Main Form and Schedule B, and shall also include the information describe in Section 25.138." A review of the application has revealed that EchoStar failed to submit the radiation patterns required by Section 25.138(d).

Accordingly, pursuant to Section 25.112(a)(1)³ and Section 0.261 of the Commission's rules, EchoStar's application, as amended, IS DISMISSED as defective, without prejudice to refiling⁴.

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division

¹ 18.6 GHz-18.8 GHz, 19.7 GHz-20.2 GHz and 28.4 GHz-28.6 GHz, 29.5 GHz-30.0 GHz.

² The amendment requests authority to add AMC-16 at 85 ° W.L. and at 97 ° W.L. as Points of Communication.

³ 47 C.F.R. §§ 25.112(a)(1) and 0.261. *See also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

⁴ If EchoStar refiles an application for a new license identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).